

# DISCIPLINE OF STUDENTS IN SPECIAL EDUCATION



Disciplinary removal<sup>1</sup> of student with IEP or student who SAU knew<sup>2</sup> was child with a disability

Removal no more than 10 consecutive or cumulative<sup>3</sup> school days<sup>4</sup> in one school year

SAU provides services only to same extent services provided to students without disabilities

Removal more than 10 consecutive or cumulative school days in one school year

SAU convenes MD meeting to determine whether behavior was manifestation of disability

SAU notifies parents of removal and provides procedural safeguards

Behavior not caused by nor related to disability, nor was direct result of failure to implement IEP

Student may be removed but receives services to participate in general education curriculum and make progress on IEP goals

As appropriate, conduct FBA and provide services/modifications so behavior does not recur

Behavior caused by or related to disability, or was direct result of failure to implement IEP

Return student to previous placement unless parents and SAU agree to change of placement

Conduct FBA and develop/review BIP

Student may be removed to an interim alternative educational setting up to 45 school days if behavior involved drugs, weapons, or serious bodily injury<sup>5</sup>

## Notes-

<sup>1</sup>Includes in-school suspension

<sup>2</sup>SAU deemed to know that child had a disability if:

- Parent referred child or expressed concern in writing that child needed special education
- Staff member expressed specific concerns to SAU administrator about pattern of child's behavior

<sup>3</sup>Factors in determining whether a series of removals totaling more than 10 days constitutes change of placement:

- Is child's behavior substantially similar
- Length of each removal and total time removed
- Proximity of removals to one another

<sup>4</sup>A child sent home from school in the first 3 hours of the school day is counted as removed for that school day; a child sent home after the first 3 hours is counted as removed for ½ of the school day

<sup>5</sup>"Serious bodily injury" involves: substantial risk of death; extreme physical pain; protracted & obvious disfigurement; or protracted loss/impairment of function of a bodily member, organ, or mental faculty.